

## **REMARKS/ARGUMENTS**

The Final Rejection dated April 17, 2007 has been reviewed and carefully considered. Claims 1-10 and 36-38 are pending in this application, with claim 1 being the only independent claim. Claims 1, 2 and 36 have been amended. Reconsideration of the application, as herein amended and in view of the following remarks, is respectfully requested.

### **Rejection of Claim 1 under 35 U.S.C. §103(a)**

Independent claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0106443 (*Liberman*) in view of U.S. Patent No. 3,411,433 (*Christopher*).

Applicant has amended claim 1 to more clearly distinguish it over the prior art. Support for this amendment can be found, for example, in Fig. 1 and paragraphs [0029] (on page 8) and [0032] of the present specification.

Amended claim 1 now recites, *inter alia*, the following:

“a) placing a meat product on a presentation board, wherein said presentation board comprises opposite upper and lower surfaces and a hole at the center of said presentation board, the hole extending from the upper surface to the lower surface to facilitate heat transfer between said meat product and said cooled brine, said hole being substantially covered by a heat conducting foil placed on the upper surface of said presentation board so that the meat product is supported by the heat conducting foil in a region of the hole” (emphasis added).

Applicant respectfully submits that amended claim 1 is patentable over *Liberman* in view of *Christopher* because there is no apparent reason to combine the references and, in particular, to modify *Liberman* with *Christopher* in the way proposed in the Office Action dated November 15, 2006.

On page 8 of the Office Action of November 15, 2006, the Examiner acknowledges that

“*Liberman* is silent in teaching wherein said hole is substantially covered by a heat conducting foil placed on a surface of said presentation board.”

Therefore, *Liberman* fails to teach or suggest the recited limitation “said hole being substantially covered by a heat conducting foil placed on the upper surface of said presentation board so that the meat product is supported by the heat conducting foil in a region of the hole” of amended claim 1 of the present application.

To bridge this “gap” between claim 1 and *Liberman*, the Examiner refers to the base aluminum layer 16 of *Christopher*, and contends that

“it would have been obvious to one having ordinary skill in the art to apply the teachings of Christopher to the holed presentation board of Liberman for the purpose of providing conducting layer of aluminum foil that would assist in removing the heat from within the food product. Such a modification would provide a more efficient means for removing the heat and thus freezing said food product.”

Applicant respectfully disagrees.

The claimed invention relates to a method for freezing a meat product placed on a presentation board in a cooled brine. The presentation board has a hole which is covered by a heat conducting foil placed on the upper surface of the presentation board. As explained in detail in the Response dated February 15, 2007, the hole in the presentation board is used to facilitate the heat transfer between the meat product placed on the presentation board and the cooled brine. The foil is added so that the meat product is supported by the foil in the hole area. In other words, the foil primarily functions as a support for the meat product. The foil is preferably heat conductive so that it does not become a heat barrier between the meat product and the cooled brine. But the primary function of the foil is to support the meat product in the hole area. In other words, the foil is not used to remove heat from within the meat product.

*Liberman* relates to a method of freezing a meat product in a cooled brine (*see the Abstract of Liberman*). *Liberman* discloses that a perforated board such as a plastic mesh is used

to carry such meat product so that most of the surface of the meat product can be exposed to the cooled brine (*see* paragraph [0033] of *Liberman*).

*Christopher* relates to a baking container having three laminated layers. The top layer 14 is of perforated foil, the bottom layer 16 is solid foil (no perforation), and the center layer 18 is made of a meshed material designed to entrap air and to absorb grease and moisture from the food which is generated during the baking process from the baked food such as a pie 10a placed in the baking container. *Christopher* is completely silent on using the bottom layer 16 to support the pie 10a in the perforation areas. *See* Figs. 4 and 5, col. 1, lines 10-16, and col. 3, lines 14-32 of *Christopher*.

The Examiner contends that it would have been obvious for a person with ordinary skill in the art to add the bottom layer 16 of *Christopher* to the presentation board of *Liberman* “for the purpose of providing conducting layer of aluminum foil that would assist in removing the heat from within the food product” (emphasis added). However, as discussed above, in because of the mesh or web-like hole pattern of the board in *Liberman*, most of the surface of the meat product is already exposed to the cooled brine. Thus, heat is easily removed from within the meat product. Therefore, a person with ordinary skill in the art would not add the aluminum foil of *Christopher* to the board of *Liberman* for the purpose of removing heat from within the meat product.

Moreover, as discussed in detail in the Response of February 15, 2007, adding the aluminium foil of *Christopher* to the board of *Liberman* will not facilitate or assist the heat transfer between the meat product and the cooled brine. On the contrary, adding such a foil to the board will hinder the heat transfer between the meat product and the cooled brine. This is because the added foil is not used to replace an existing medium with inferior heat conductivity.

Rather, the added foil constitutes an extra medium between the meat product and the cooled brine, through which the heat has to pass. That is, without using the foil, the sealed bag will be the only medium between the meat product and the cooled brine in the hole area during the freezing process. After adding the foil, the sealed bag and the foil will be the mediums between the meat product and the cooled brine in the hole area during the freezing process. Therefore, contrary to the Examiner's contention, a person with ordinary skill in the art would not be motivated to modify *Liberian* with *Christopher* by adding the aluminium foil of *Christopher* to the board of *Liberian* for the purpose of removing the heat from within the meat product.

In the Final Rejection, the Examiner notes that Applicant's presentation board also has a heating conducting foil. But as explained above, in the claimed invention, the primary function of the foil is to support the meat product in the hole area, not to remove heat from within the meat product. The fact that the heating conducting foil is used in the claimed invention for the purpose of supporting the meat product in the hole area does not support a conclusion that a person with ordinary skill in the art would be motivated to add the aluminium foil of *Christopher* to the board of *Liberian* for the purpose of removing the heat from within the meat product.

Furthermore, it is noted that neither *Liberian* nor *Christopher* nor any other applied prior art teaches or suggests placing a heat conducting foil on the upper surface of a holed presentation board so that a meat product is supported by the foil in the hole area. In particular, it is noted that using such a foil in *Christopher* would block the holes in the top layer 14 and therefore render the grease absorbing center layer 18 useless.

In view of the foregoing, withdrawal of the rejection of claim 1 under 35 U.S.C. §103(a) as being unpatentable over *Liberian* in view of *Christopher* is respectfully requested.

Claim 1 also stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Liberman* in view of U.S. Patent No. 2,507,862 (*Mead*) and U.S. Patent No. 2,807,548 (*Morrison*).

In this rejection, the Examiner essentially applies the same rationale that is used in rejecting claim 1 under 35 U.S.C. 103(a) as being unpatentable over *Liberman* in view of *Christopher*.

Therefore, for the reasons discussed above, which explain why there is no motivation or suggestion to modify the board of *Liberman* with an aluminium foil, withdrawal of the rejection of claim 1 under 35 U.S.C. §103(a) as being unpatentable over *Liberman* in view of *Mead* and *Morrison* is respectfully requested.

#### **Dependent Claims 2-10 and 36-38**

Dependent claims 2-10 and 36-38, each being directly or indirectly dependent on independent claim 1, are deemed patentable for at least the same reasons that independent claim 1 is patentable, as well as for the additional limitations recited therein.

#### **Conclusion**

Applicant respectfully submits that the amendments to the claims do not raise any new issues that would require further consideration and/or search by the Examiner.

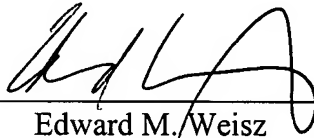
Applicant respectfully requests entry of this Amendment and submits that the application is in condition for allowance, and such action is respectfully requested.

Should the Examiner have any comments, questions, suggestions or objections, he is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN PONTANI LIEBERMAN & PAVANE LLP

By  \_\_\_\_\_  
Edward M. Weisz  
Reg. No. 37,257  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

Dated: June 15, 2007